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8 Attorneys for Defendant
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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14 UNITED STATES OF AMERICA,
15 Plaintiff,

No. CR-01-0149 MJJ
CR-04-0083 MJJ

16 vs.

STIPULATION AND ORDER
CONTINUING STATUS HEARING DATE

17 JAMES HILL, et al.,

GRANTED

18 Defendants.
19 _____/

20 The parties stipulate and agree that the status hearing date
21 currently set for December 13, 2006 shall be vacated and continued
22 until December 21, 2006 at 2:00 p.m to allow the parties to meet
23 and confer regarding settlement.

24 The parties also stipulate and agree that the time from
25 December 13, 2006 until December 21, 2006 is excludable from
26 calculations under the Speedy Trial Act, 18 U.S.C. 3161, for the
27 defendants in each of the above cases. The cases have previously
28 been declared complex based on the nature of the charges, and the

1 complexity of factual and legal issues as yet unresolved, and the
 2 parties need time to effectively prepare due to the complexity and
 3 to engage in settlement discussions. Additionally, the motion
 4 challenging the admissibility of gang expert testimony pursuant to
 5 a *Daubert* motion remains pending with hearings yet to be set and
 6 additional motions remain pending with dates yet to be set. As to
 7 the death-eligible defendants David George and James Hill, both
 8 defendants are participating in the process to determine whether
 9 the death penalty will be sought and are preparing presentations to
 10 the United States Attorney to occur locally and to the Department
 11 of Justice at its Washington, D.C. offices. Defendant Kenya
 12 Jones' attorney was recently appointed and this reason as well as
 13 those stated above, resulting in an exclusion to time under the
 14 Speedy Trial Act. The parties stipulate and agree that time from
 15 December 13, 2006 until December 21, 2006 should be excluded from
 16 calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

17 IT IS SO STIPULATED.

18 Dated: December 11, 2006

Dated: December 11, 2006

19 /s/ with consent

/s/

20 _____
 21 GREGG LOWDER
 22 Assistant U.S. Attorney

 GAIL SHIFMAN and MICHAEL BURT
 Attorneys for Defendant
 DAVID GEORGE

23 Dated: December 11, 2006

Dated: December 11, 2006

24 /s/ with consent

/s/ with consent

25 _____
 26 RICHARD MAZER and BILL OSTERHOUDT
 Attorneys for Defendant
 JAMES HILL

 FRANK McCABE
 Attorney for Defendant
 TREARL MALONE

1 Dated: December 11, 2006

2 /s/ with consent

3 _____
4 ERIC QUANDT
5 Attorney for Defendant
6 KENYANA JONES

7 ORDER

8 This matter having come before the Court upon the Stipulation
9 of the parties and the Court being advised,

10 IT IS ORDERED that the status hearing date of December 13,
11 2006 shall be vacated and continued until December 21, 2006, at
12 2:00 p.m.

13 IT IS FURTHER ORDERED as to both cases CR 01-0149 MJJ and CR
14 04-0083 MJJ, based on the reasons contained in the stipulation that
15 the Court finds that the pending motions applicable to both cases,
16 the necessity of sufficient time for effective preparation
17 including newly appointed counsel for defendant Kenya Jones,
18 settlement conferences and the pending motions as well as the
19 complexity of the cases, that the ends of justice served by
20 excluding from calculations the time period from December 13, 2006
21 through December 21, 2006 outweigh the best interests of the public
22 and all defendants in a speedy trial under the Speedy Trial Act, 18
23 U.S.C. § 3161 and that the period of time from December 13, 2006
24 through December 21, 2006 is excluded from calculations under the
25 Speedy Trial Act, 18 U.S.C. § 3161.

26 DATED: December 12, 2006

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28 _____
UNITED STATES DISTRICT JUDGE